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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,849	03/24/2004	Masaaki Yamashita	145923 (08CJ12719)	5463

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EXAMINER

HUSON, MONICA ANNE

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,849

Applicant(s)

YAMASHITA ET AL.

Examiner

Monica A. Huson

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 032404.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 25 March 2003. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

Claim Objections

Claim 1 is objected to because of the following informalities: The phrase "reduced by" is awkward, based on the original description of applicant's invention. For purposes of examination, it will be interpreted that applicant intends to claim cooling to a temperature of 0-100C less than the heat deformation temperature of the molding resin. Appropriate correction is required.

Claims 1-3 objected to because of the following informalities: the phrase "for non-painting molded article of automotive outer panel" is awkward. It is requested that applicant use alternate terms from the original specification to more succinctly describe the claimed method. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 3, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1 and 2, the claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Regarding Claims 1 and 2, the claims are unclear because it is not evident whether applicant intends for the information within the parentheses to be required elements of the claims. For purposes of examination, it will be interpreted that the information within the parentheses is not required as part of the claim.

Regarding Claim 2, the claim is unclear because it is not evident whether applicant intends to claim injection of material into a mold or extrusion of material into a mold. For purposes of examination, it will be interpreted that the material is injected into the mold.

Regarding Claims 3 and 5, these claims contain improper alternative limitations. According to MPEP § 2173.05 (h), alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. A Markush group is an acceptable form of alternative expression and must contain the phrase "selected from the group consisting of A, B and C." See *Ex parte Markush*, 1925 C.D 126 (Comm'r Pat. 1925).

Claim 6 is unclear because of the identification of "tool temperature" as two separate variables. It is suggested that tool temperature be identified as "T", where the hot tool temperature be identified as "T_b" and the cool temperature be identified as "T_c".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Maus et al. (U.S. Patent 6,290,882). Regarding Claim 1, Maus et al., hereafter "Maus," show that it is known to carry out a method for molding an automotive outer panel characterized by injection of the material in a metal mold (Abstract; Column 1, lines 10-14; Column 7, lines 13-32), where the tool temperature Tb was adjusted 0-100C higher than the heat deformation temperature of the injection thermoplastic resin (Figure 6; Column 4, lines 49-54, 58-63; Column 5, lines 54-67); and after cooling, the tool temperature was reduced 0-100C less than the heat deformation temperature of the injection thermoplastic resin while extraction (Figure 6; Column 4, lines 49-54, 58-63; Column 5, lines 60-63).

Regarding Claim 2, Maus shows that it is known to carry out a method for molding an automotive outer panel characterized by injection of the material in a metal mold (Abstract; Column 1, lines 10-14; Column 7, lines 13-32), where the tool temperature Tb was adjusted 0-100C higher than the heat deformation temperature of the injection thermoplastic resin, the mold maintained at a high pressure while carrying out the molding process (Figure 6; Column 4, lines 49-54, 58-63; Column 5, lines 54-67; Column 6, lines 44-60); and after cooling, the tool temperature was reduced 0-100C less than the heat deformation temperature of the injection thermoplastic resin while extraction (Figure 6; Column 4, lines 49-54, 58-63; Column 5, lines 60-63).

Regarding Claim 4, Maus shows the process as claimed as discussed above in the rejection of claims 1 or 2 above, including a method of forming a non-painted molded article of an automotive outer panel having a high quality appearance (Column 1, lines 10-14; Column 4, line 67; Column 5, lines 1-2).

Regarding Claim 5, Maus shows the process as claimed as discussed above in the rejection of claim 4/2 or 4/1 above, including a method for forming a fender or door panel (Column 1, lines 10-14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maus, in view of Bulters et al. (U.S. Patent 6,303,070). Maus shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not give a specific molding material. Bulters et al., hereafter "Bulters," show that it is known to carry out a method of making an automobile part using thermoplastic resin of polyethylene terephthalate (Column 4, lines 50-58). Bulters and Maus are combinable because they are concerned with a similar technical field, namely, methods of injection molding automobile components. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Bulters' specific material in Maus' molding process due to fiscal benefits (see Bulters, Column 4, lines 50-58).

Regarding Claim 4, Maus shows the process as claimed as discussed above in the rejection of claim 3 above, including a method of forming a non-painted molded article of an automotive outer panel having a high quality

appearance (Column 1, lines 10-14; Column 4, line 67; Column 5, lines 1-2), meeting applicant's claim.

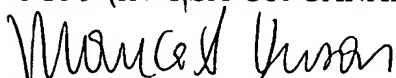
Regarding Claim 5, Maus shows the process as claimed as discussed above in the rejection of claim 4/3 above, including a method for forming a fender or door panel (Column 1, lines 10-14), meeting applicant's claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Huson whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monica A Huson

October 27, 2006